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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,379	09/20/2000	David V. Clayton	T9163	6140

7590 01/12/2007
Keisling Pieper & Scott PLC
1 East Center Street
Suite 217
Fayetteville, AR 72701

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/666,379

Applicant(s)

CLAYTON, DAVID V.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 6/13/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments with respect to new claims 21-25, 27-40, renumbered to claims 21-39, have been considered but are moot in view of the new ground(s) of rejection.

Claims Renumbered 37 CFR 1.126

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 27-40, been renumbered 26-39 respectively.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21-24 and 26-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Ford (US 6,181,364).

Regarding claims 21-23, Ford discloses and meets the limitations associated with an output modification apparatus (such as Fig. 3, "Filtered Out"),

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- to receive an original digital data stream (col. 9, lines 1-, "the system ... can handle digital ... sources.", "Fig. 3, unfiltered in) wherein the original has or can have location data (see Fig. 6, "Extraction unit 90", col. 3, line 64 to col. 4, lines 23, "video source 14 ... contain embedded codes, ... identify location and nature of potentially objectionable events ... profane or vulgar language ... objectionable visual"); and
- audio or visual content (Fig. 3, Video and Fig. 6, video and audio see 68, audio 72, video 74); and
- present a modified signal to the display without altering or modification, the original source, is modified locally therefore the original from the broadcaster is not edited or modified at the source but at the destination or prior to display;
- an device to acquire a mask (Fig. 2, replacing signals video and/or audio, with either any of substitute image, substitute word, tone, blank video or audio) including a set of location data and audio/visual content (Fig. 6, sources 60, 62, 64, 66 through DEMOD 68) and utilizing the mask based on the location data replacing sections or masking video and/or audio onto the original thereby generating a modified stream, claim 21;
- wherein the mask is from a source integral with the apparatus (embedded into the stream received, see above), claim 22;
- wherein the acquisition device is adapted to acquire the mask from a memory associated with the device (col. 8, lines 25-45, "Library", storage, associated with the apparatus), wherein the source can be remote, "Library" and/or col. 9, lines 1-24, claims 23-24.

Regarding claims 26, 27, 28, Ford by replacing portions of video and/or audio with substitution data (word or video), no audio or no video meets the limitations of a quantity different for the audio or video or both, through the filtering unit (Figs. 2-3).

Claims 29-39 are deemed analyzed and discussed with respect to the claims above.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 6,181,364).

Regarding claim 25, Ford discloses accessing remote libraries for masks for video and audio material and further states col. 9, that any suitable digital communications scheme may be used to transfer videos from a remote or local source, wherein this stream may contain event, substitution, attributes, duration delay data, but,

O fails to particularly disclose acquiring the mask from a remote server across the internet.

The examiner takes official notice that the internet can provide various type of information such as video, audio, control files, attribute data etc., and is a means to communicate various types of data, therefore, it would have been obvious to those skilled in the art at the time of the invention to acquire masks to be used from a remote server across or through the internet as a means to receive mask data, such as video or audio or event information, as is obvious to those skilled in the art that the internet is versatile and can handle delivery to devices information that previously was provided through other means, as is obvious to those skilled in the art.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

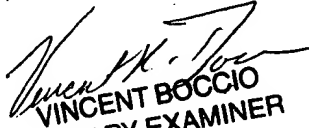
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
1/8/07


VINCENT BOCCIO
PRIMARY EXAMINER